

REMARKS/ARGUMENTS

Claims 26-35 have been cancelled. Claims 14-25 have been withdrawn subject to a Restriction Requirement. Applicants respectfully reserve their right to file a divisional application(s) on claims withdrawn subject to this restriction requirement.

The Examiner states that this application contains the following inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1 and in accordance with 37 CFR 1.499, applicant is required to elect a single invention from the following.

Group I, claims 1-13 and 36, drawn to compositions and kits comprising anti-IgE antibodies and additional active ingredients.

Group II, claims 14-25, drawn to methods of administering compositions comprising anti-IgE antibodies and additional active ingredients.

Further, the Examiner states that this application contains claims directed to more than one species of the generic inventions of Groups I and II. The Examiner requests that Applicants elect a specific species as the additional active ingredient present in compositions comprising anti-IgE antibodies.

Applicants elect Group I and provisionally elect, as the species of the additional active ingredient present in compositions comprising anti-IgE antibodies, the ascomycin 33-epichloro, 33-desoxyascomycin with traverse.

Withdrawal of the restriction between Groups I and II is respectfully requested.

According to MPEP §803, restriction is only proper if there are two or more claimed inventions and these inventions “are able to support separate patents and they are either independent (MPEP §806.04-§806.04(i)) or distinct (MPEP §806.05-§806.05(i)).” In addition to being independent or patentably distinct, there must be a serious burden placed on an Examiner if restriction is not required. MPEP §803.

In the Official Action, it is stated that the compounds of Groups I and II are distinct because the inventions listed in Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features such as the presence of an additional active ingredient in a pharmaceutical composition comprising anti-IgE antibodies. Yet, these statements merely show that a provisional election of species for examination purposes is the proper course as described in MPEP §803.02.

Furthermore, it is believed that additional searching would not be required between Groups I and II. An exhaustive search of compositions comprising anti-IgE antibodies of Group I

would uncover any references associated with those compositions and the methods of use in Group II. Therefore, there is not a serious burden placed on the Examiner if the groups are not restricted and restriction should not be required.

Applicants submit that the reasons offered by the Examiner are not sufficient to support a conclusion that restriction should be required. Therefore, withdrawal of the restriction requirement is respectfully requested.

In view of the remarks, further and favorable consideration of the present application and the allowance of all pending claims are respectfully requested. The Examiner is also invited to contact the undersigned should the Examiner believe that such contact would expedite prosecution of the present application.

Respectfully submitted,

Novartis
Corporate Intellectual Property
One Health Plaza, Building 104
East Hanover, NJ 07936-1080
(862) 778-2614



Gregory Houghton
Attorney for Applicants
Reg. No. 47,666

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